

THE HONORABLE JOHN C. COUGHENOUR
NOTING DATE: FEBRUARY 6, 2023

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TWIN CITY FIRE INSURANCE
COMPANY,

Plaintiff,

v.

LUNDBERG, LLC,

Defendant.

NO. 2:20-cv-01623-JCC

JOINT MOTION TO CONTINUE CASE
MANAGEMENT DATES

NOTE ON MOTION CALENDAR:
FEBRUARY 6, 2023 [SAME DAY
MOTION]

MOTION

Pursuant to Fed. R. Civ. P. 6 (b) and 16 (b)(4), and LCR 16 (b)(6), plaintiff Twin City Fire Insurance Company and defendant Lundberg, LLC (collectively “parties”) stipulate to this Joint Motion for an Order continuing the case management dates assigned to this action in the Order dated May 5, 2022. Dkt. 47.

MEMORANDUM

The parties have previously advised the Court that this insurance coverage case will not be ready for trial until resolution of the underlying action, which is captioned *Packaging Corporation of America v. Lundberg, LLC*, No. 19-2-28930-9 SEA (Wash. Sup. Ct. King Cty.).

At the time of this Court’s issuance of the Order currently in effect (Dkt. 47) that set the trial for this action for July 24, 2023, the King County Superior Court had issued an order

staying all further proceedings in the underlying action pending resolution of plaintiff Packaging Corporation of America's discretionary appeal of the Order granting defendant A.H. Lundberg Systems Ltd.'s Motion for Summary Judgment. The Court of Appeals declined to accept discretionary review. The trial in the underlying action is now re-set for December 4, 2023. Accordingly, and due to the potential need to conduct discovery following resolution of the underlying action, the parties respectfully request that trial in this matter be continued and re-set for no earlier than September 30, 2024, and that other deadlines likewise be continued.

The parties respectfully suggest the following changes to the Civil Trial Scheduling Order for this action:

<u>Current Civil Trial Scheduling Order dates</u>	<u>Proposed continued dates</u>
Discovery cutoff: March 20, 2023	May 31, 2024
Mediation completed: November 1, 2022	April 5, 2024
Dispositive motion deadline: April 24, 2023	June 28, 2024
Proposed pretrial order: July 10, 2023	September 9, 2024
Trial briefs and proposed voir dire/jury instructions: July 17, 2023	September 23, 2024
Trial: July 24, 2023	September 30, 2024

This motion is brought for good cause as shown herein and not for the purpose of undue delay.

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1 **CONCLUSION**

2 Because the trial of the underlying action was stayed pending resolution of an appeal in
3 that action, and trial in that action has now been re-set for December 4, 2023, and because the
4 parties will need time to conduct discovery and potentially file dispositive motions after the
5 conclusion of the underlying action, the parties jointly respectfully request that this Court issue
6 an order continuing the case management dates assigned to this action to accommodate the
7 litigation of this action.

8 DATED this 6th day of February 2023.

9 **STIPULATED BY:**

10 GORDON & POLSCER, L.L.C.

11 LANE POWELL PC

12 By: s/ Brian C. Hickman
13 Brian C. Hickman, WSBA No. 50089
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Attorneys for Plaintiff Twin City Insurance Company

By: s/ Andrew J. Gabel
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Attorneys for Defendant Lundberg, LLC

15 **LCR 7(e)(1) CERTIFICATION**

16 I certify that this motion and memorandum contains 405 words, in compliance with the
17 Local Civil Rules.

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19 By s/ Brian C. Hickman
20 Brian C. Hickman, WSBA No. 50089
21 bhickman@gordon-polscer.com
Attorneys for Plaintiff Twin City Insurance Company

22 **IT IS SO ORDERED** this 7th day of February 2023.

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25 John C. Coughenour
26 UNITED STATES DISTRICT JUDGE